

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

JOSEPH SIMMONS,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:22-cv-01644-JMG
	:	
OFFICER WILSON,	:	
Defendants.	:	

---

**ORDER**

**AND NOW**, this 27<sup>th</sup> day of December, 2022, upon consideration of Plaintiff’s Motion for Leave to File an Amended Complaint (ECF No. 23), **IT IS HEREBY ORDERED** Plaintiff’s Motion (ECF No. 23) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of Court is **DIRECTED TO DOCKET** Exhibit A to Plaintiff’s Motion (ECF No. 23-1) as “Plaintiff’s Second Amended Complaint.”

**IT IS FURTHER ORDERED** that Plaintiff’s “Amended Complaint” (ECF No. 15) **IS STRICKEN**.<sup>1</sup>

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge

---

<sup>1</sup> Plaintiff improperly filed a Second Amended Complaint on November 11, 2022 (ECF No. 15) without obtaining the opposing party’s written consent or seeking leave of court. *See* Fed. R. Civ. P. 15(a)(2). Plaintiff, through the instant Motion (ECF No. 23), now properly seeks leave to file the Second Amended Complaint attached as Exhibit A (ECF No. 23-1) to Plaintiff’s Motion (ECF No. 23).

Plaintiff’s Brief characterizes Exhibit A to the Instant Motion (ECF No. 23) as “Plaintiff’s Second Amended Complaint” and does not reference the November 11, 2022 filing in Plaintiff’s Brief.